



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,315	11/20/2003	Francesco Serino	GLM-1042A	9755
44338	7590	03/09/2006	EXAMINER	
FELDMANGALE, P.A. MIAMI CENTER, 19TH FLOOR 201 SOUTH BISCAYNE BOULEVARD MIAMI, FL 33131			ADAMS, AMANDA S	
			ART UNIT	PAPER NUMBER
			3731	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/718,315

Applicant(s)

SERINO ET AL.

Examiner

Amanda Adams

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 23-42 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-21 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-9 and 23-42 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marin et al (US 5,697,948) in view of Dehdashtian et al (US 6,143,014).

Marin et al disclose the invention substantially as claimed, including:

- a releasing balloon catheter (col. 5, line 29) with a balloon (col. 5, line 28), a tube (col. 7, line 31), a connection between the tube and the balloon (Figure 1A), and an inflating syringe (col. 7, line 16);
- and a guiding balloon catheter (col. 5, line 27) with a sheath (col. 5, line 24), a balloon (col. 9, line 58) and a second tube acting as a connection to the inflating syringe (Figure 2A).

Marin et al fail to disclose a dilator and an introducer as a part of the guiding balloon catheter apparatus.

However, Dehdashtian et al teach a dilator (col. 7, line 41) and an introducer (col. 7, lines 28-31) as components of the guiding balloon catheter.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added a dilator and introducer as a way of inserting and guiding the balloon catheter in order to facilitate better insertion of the graft delivery system.

***Allowable Subject Matter***

4. Claims 10 - 21 are allowed.

5. Regarding claims 10 and 16, the following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record, alone or in combination, discloses a stent-graft delivery system comprising all of the limitations specifically wherein there is a pair of every component, including a dilator and an additional sheath as a part of the guiding balloon catheters as set forth by the applicant. Combinations of any of the two most relevant prior art references still fail to teach either that there is a pair of each component to this delivery system or that there is a dilator and tubular sheath.

Marin et al (US 5,697,948) in view of Dehdashtian et al disclose the invention substantially as claimed except that they fail to teach a delivery system where the guiding catheters and delivery catheters come in pairs.

Marin et al (US 5,507,769) in view of Dehdastian et al disclose the invention substantially as claimed including pairs of each component, except that they fail to teach expandable balloons on the ends of the releasing catheters.

Claims 11-15 depend from claim 10 and are thus allowable. Claims 17-20 depend from claim 16 and are thus allowable.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 5,275,622
- US 5,733,299.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Adams whose telephone number is (571) 272-5577. The examiner can normally be reached on M-F, 8:00am-5:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/718,315  
Art Unit: 3731

Page 5

asa 3/6/2006 ASA

  
ANH TUAN T. NGUYEN  
SUPERVISORY PATENT EXAMINER  
3/6/06.